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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,232	07/02/2001	David James Stevenson	01-494	9022

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EXAMINER	
DOAN, DUYEN MY	

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/897,232	STEVENSON ET AL.	
	Examiner	Art Unit	
	Duyen M Doan	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detail Action

1. The information disclosure statement filed on 4/16/2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. (See where I put the line through).

2. The information disclosure statement filed 1/3/2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. (See where I put the line through

Specification

Minor informality:

Applicant should update the specification and provide the application number and status for the entire cross references mentioned in the specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claim1, 2, 3, 8, 10,11,12, 13,14,15,16,23,24 are rejected under 35 U.S.C. 102(e) as being anticipated by Meandzija (us pat 6404743).

As per claim 1, Meandzija discloses a method of processing network management data received by a network management system during the monitoring of a network by receiving network management data (col10, line 15-16), and determining if the network management data indicates the resolution of a previous event generated by the network management system in response to previously received network management data. (col 10, line 17-27).

As per claim 2, Meandzija discloses if the network management data indicates the resolution of a previous event, the method further comprises marking the previous event as resolved (certain events may not qualify to be logged) (col 6, line 34-38).

As per claim 3, Meandzija discloses the network management data is processed in response to the network management system receiving network management data from the network (col 7, line 8-10).

As per claim 8, Meandzija discloses a method for processing data representing a monitored characteristic of a part of the network in a network management system, the method comprising: periodically receiving a value for the monitored characteristic (col 15, line 16-18); if a received value exceeds a predetermined threshold for the monitored characteristic generating an event (col 4, line 60-64); and thereafter, periodically considering whether the monitored value has been below the predetermined threshold for a preceding time period, and if so determining that the event is resolved (col 6, line 34-38).

As per claim 10, Meandzija discloses if the step of considering determines that the event is resolved, the method further comprises marking the event as resolved (col 6, line 34-38).

As per claim 11, Meandzija discloses the network management data relating to an asynchronous Trap being received by the network management system (col 5, line 41-45), wherein the step of determining comprises considering if the Trap indicates the possible resolution of an event in an event log (col 5, line 45-51).

As per claim 12, Meandzija discloses if the Trap indicates the possible resolution of an event in an event log, the step of determining further comprises considering whether the event log includes a previously received event that is resolved by the Trap (col 5, line 45-51).

As per claim 13, Meandzija discloses a method for processing data received in an asynchronous Trap by a network management system, the method comprising: receiving a Trap from the network (col 5, line 41-45); considering if the Trap indicates

the possible resolution of a event in an event log (col 13, line 50-55), and if so considering whether the event log includes a previously received event that is resolved by the Trap (col 5, line 45-51).

As per claim 14, Meandzija discloses the method processes network management data previously received by the network management system and stored in memory (col 8, line 8).

As per claim 15, Meandzija discloses the step of receiving network management data comprises receiving event data relating to an event stored in memory (col 7, line 29-30), in response to a scan of previously generated events stored and included in an event log (col 8, line 8-12).

As per claim 16, Meandzija discloses the event data relates to a recurring event and includes the time of the last occurrence of the event (col 4, line 20-23).

As per claim 23, Meandzija discloses a network management system for processing network management data received during the monitoring of a network, the system comprising: a processor (col 9, line 32) for receiving network management data and determining if the network management data indicates the resolution of a previous event generated by the network management system in response to previously received network management data (col9, line 32-34).

As per claim 24, Meandzija discloses memory for storing data relating to events generated by the system (col 9, line 45-47), wherein if the processor determines that received network management data indicates the resolution of a previous event stored

in the memory, the processor updates the memory to mark the previous event as resolved (col 9, line 44-55).

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim1, 2, 4, 14, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka (us pat 5471399).

As per claim 1, Tanaka discloses a method of processing network management data received by a network management system during the monitoring of a network by receiving network management data (col 1, line 48-51), and determining if the network management data indicates the resolution of a previous event generated by the network management system in response to previously received network management data. (col 1, line 59-62).

As per claim 2, Tanaka discloses if the network management data indicates the resolution of a previous event, the method further comprises marking the previous event as resolved (col 7, line 56-58).

As per claim 4, Tanaka discloses the network management data comprising values of a monitored characteristic of a part of the network (col 7, line 54-55) for which an event is generated if the monitored value exceeds a predetermined threshold (col 7, line 55-56), wherein an event list includes an unresolved previous event for the monitored characteristic (col 7, line 62-64), wherein the step of receiving network management data comprises receiving a value for the monitored characteristic (col 2, line 33-35),

and the step of determining comprises considering whether the monitored value has been below the predetermined threshold for a preceding time period, and if so determining that the received value indicates the resolution of the unresolved previous event (col 2, line 35-41).

As per claim 14, Tanaka discloses the method processes network management data previously received by the network management system and stored in memory (col 4, line 5-11).

As per claim 8, Tanaka discloses a method for processing data representing a monitored characteristic of a part of the network in a network management system, the method comprising: periodically receiving a value for the monitored characteristic (col 2, line 33-35); if a received value exceeds a predetermined threshold for the monitored characteristic generating an event (col2, line 37-39); and thereafter, periodically considering whether the monitored value has been below the predetermined threshold for a preceding time period, and if so determining that the event is resolved (col 2, line 39-41).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

As per claim 22, Tanaka discloses the invention as claimed, detailed above with respect to claims 1, 2, 4, 8, 14; Tanaka however does not particularly disclose a computer-readable medium including a computer program for processing network management data received by a network management system during the monitoring of a network. However one of ordinary skill in the art would have recognized that computer readable medium (i.e., floppy disk, cd-rom, etc) carrying a program steps for implementing a method, because it would facilitate the transporting and installing of the method on other systems, is generally well known in the art. For example, a copy of the Microsoft Window operating system can be found on a cd rom from which Windows can be installed onto other system, which is a lot easier that running a long cable or hand typing the software onto another system. Therefore, it would have been obvious to put Tanaka's program on a computer readable medium, because it would facilitate the transporting, installing and implementing of Tanaka's Program on other systems.

5. Claim 5,6,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka (us pat 5471399) as applied to claim 1 and 4 above, and further in view of Kline (us pat 4080589).

As respect to claim 5, Tanaka teaches every limitation of claim 1 and 4 described above, but he does not teach using a timer (start timer) if the monitored value is below the predefined threshold.

Kline teaches in response to receiving the network management data, comparing a first received value for the monitored characteristic with the predefined threshold, and if the

value is below the predefined threshold, starting a timer, the timer expiring at the end a predefined time period (col 2, line 41-47).

Therefore it would have been obvious to one having skill in the art having the teachings of Kline and Tanaka before him at the time of the invention to include the timer of Kline into Tanaka's method of processing network management data received by a network management system during the monitoring of a network by receiving network management data. As Kline described in his invention, the motivation of using the timer to eliminate the repetition of errors occurring within a predetermined time interval (col 1, line 35-38).

Therefore, it is would have been obvious to one having skill in the art at the time of the invention was made use of the timer to minimize the number of events to be display on the screen.

As respect to claim 6, Tanaka teaches every limitation of claim 1 and 4 described above, but he does not teach the canceling the timer if the monitored value is exceed the predefined threshold.

Kline teaches wherein the step of considering further comprises comparing each subsequent received value for the monitored characteristic with the predefined threshold, and if any value exceeds the threshold canceling the timer (col 2, line 47-54).

Therefore it would have been obvious to one having skill in the art having the teachings of Kline and Tanaka before him at the time of the invention to include the timer of Kline into Tanaka's method of processing network management data received by a network

management system during the monitoring of a network by receiving network management data. As Kline describe in his invention, the motivation of using the timer to eliminate the repetition of errors occurring within a predetermined time interval (Kline, col 1, line35-43).

Therefore, it is would have been obvious to one having skill in the art at the time of the invention was made use of the timer to minimize the number of events to be display on the screen.

As respect to claim 7, Tanaka teaches every limitation of claims 1 and 4 described above; but he does not teach when the timer expires, determining that the monitored value has been below the predetermined threshold for preceding time period.

Kline however teaches, when the timer expires, determining that the monitored value has been below the predetermined threshold for preceding time period (col 2, line 41-47).

Therefore it would have been obvious to one having skill in the art having the teachings of Kline and Tanaka before him at the time of the invention to include the timer of Kline into Tanaka's method of processing network management data received by a network management system during the monitoring of a network by receiving network management data. As Kline describe in his invention, the motivation of using the timer to eliminate the repetition of errors occurring within a predetermined time interval.

Therefore, it is would have been obvious to one having skill in the art at the time of the invention was made use of the timer to minimize the number of events to be display on the screen.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meandzija (pat6404743) as applied to claim 8 above, and further in view of MacFarlane.

As respect to claim 9, Meandzija teaches every limitation of claim 8 above, but he does not teach the preceding time period is an immediately preceding predetermined time period, and the step of periodically considering comprises considering whether the monitored value has been below the predetermined threshold for the immediately preceding time period in response to each subsequently received value.

MacFarlane teaches the preceding time period is an immediately preceding predetermined time period, and the step of periodically considering comprises considering whether the monitored value has been below the predetermined threshold for the immediately preceding time period in response to each subsequently received value (col 8, line 10-21).

Therefore it would have been obvious to one having skill in the art having the teachings of Meandzija and MacFarlane before him at the time of the invention to combine the two references to consider whether the monitored value has been below the predetermined threshold for the immediately preceding time period in response to each subsequently received value. As taught by MacFarlane, the information can also be displayed by bundling individual resource elements, which are meaningful to the user (col 3, line 37-39).

Therefore, it is would have been obvious to one having skill in the art at the time of the invention was made to combine the two references to present the meaningful information to the user.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meandzija (pat 6404743) as applied to claim 1, 14, 15, 16 above, and further in view of Gaffaney (pat 5634008).

As respect to claim 17, Meandzija teaches every limitation of claims 1,14,15,16 but he does not teach the comparing the present time with the time of the last occurrence of the event, and if the time difference is greater than a predetermined time interval, determining that the event is resolved.

Gaffaney teaches the comparing the present time with the time of the last occurrence of the event (col 3, line 4-7), and, if the time difference is greater than a predetermined time interval, determining that the event is resolved (col 3, line 7-12).

Therefore it would have been obvious to one having skill in the art having the teachings of Gaffaney and Meandzija before him at the time of the invention to compare the time of current event with the time of last occurrence event and compare the time different with the predetermined time interval to eliminate the need for maintenance of multiple timers (Gaffaney, col 2, line 14-30).

Therefore, it is would have been obvious to one having skill in the art at the time of the invention was made to comparing the present time with the time of the last occurrence of the event, and, if the time difference is greater than a predetermined time interval, determining that the event is resolved.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meandzija (pat 6404743) and Gaffaney (pat 5634008) as applied to claim 1, 14,15, 16, 17 above, and further in view of Tanaka (pat 5471399).

As respect to claim 18, Meandzija and Gaffaney teach every limitation of claims 1, 14, 15, 16, 17 above, but Meandzija and Gaffaney do not teach wherein if the step of determining determines that the event is resolved, the method further comprises marking the recurring event as resolved.

Tanaka teaches wherein if the step of determining determines that the event is resolved, the method further comprises marking the recurring event as resolved (col 7, line 56-58).

Therefore it would have been obvious to one having skill in the art having the teachings of Meandzija and Gaffaney in addition to Tanaka's teaching before him at the time of the invention to mark an event resolved in the event list to minimize repetition of events in the event list.

Therefore, it is would have been obvious to one having skill in the art at the time of the invention was made to mark an event resolved to minimize the number of events to be display to the user.

Claim 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meandzija (pat 6404743) and Harvey (pat 6044401).

As per claim 19, Meandzija teaches a method for processing event data generated by a network management system during the monitoring of a network, the method processing event data relating to events previously generated by the network management system a plurality of times and which may be entered in the event log as a recurring event (provides a log for recording particular events and associated agent data values when the events occur) (see abstract), the method comprising identifying an

event to be processed from the vent list (define events which are to be reported from the agent to the management station) (see abstract).

Meandzija however, does not teach considering whether the condition, which caused the event to be generated, has occurred in the preceding time period.

Harvey teaches considering whether the condition, which caused the event to be generated, has occurred in the preceding time period (col 1, line 58-64).

Therefore it would have been obvious to one having skill in the art having the teachings of Meandzija and Harvey before him at the time of the invention to determine if the events has occurred in the past to resolving network problem when improving network efficiency. (Harvey, col 1 line 29-31).

Therefore, it is would have been obvious to one having skill in the art at the time of the invention was made to store plurality of times in the event log and consider if the event is already occurred in the past to improve network proficiency.

As respect to claim 20, Meandzija and Harvey teaches every limitation of claim 19 above, Harvey further teaches that if step of considering determines that the condition which caused the event to be generated has not occurred in the preceding time period, determine the event to be resolved (col 1, line 58-64).

Therefore it would have been obvious to one having skill in the art having the teachings of Meandzija and Harvey before him at the time of the invention to determine the event is resolved to resolving network problem when improving network efficiency. (Harvey, col 1 line 29-31).

9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meandzija and Harvey as applied to claims 19 and 20 above, and further in view of Tanaka.

Meandzija and Harvey teach every limitation of claim 19 and 20 above, but Meandzija and Harvey do not teach marking the event in the event list as resolved.

Tanaka however, teaches marking the event in the event list as resolved (col 7, line 56-58).

Therefore it would have been obvious to one having skill in the art having the teachings of Meandzija and Harvey in addition to Tanaka's teaching before him at the time of the invention to mark an event resolved in the event list to minimize repetition of events in the event list.

Therefore, it is would have been obvious to one having skill in the art at the time of the invention was made to mark an event resolved to minimize the number of events to be display to the user.

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meandzija as applied to claim 23 and 24 above, and further in view of Tanaka.

Meandzija teaches every limitation of claim 23, and 24 above, but he does not teach means for presenting an event list of generated events to a user.

Tanaka teaches means for presenting an event list of generated events to a user (see abstract).

Therefore it would have been obvious to one having skill in the art having the teachings of Meandzija and Tanaka before him at the time of the invention to display the event list of generated events to user to see.

Therefore, it is would have been obvious to one having skill in the art at the time of the invention was made to use the screen as one of the display device to present the list of generated events to the user.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M Doan whose telephone number is (703) 272-4226. The examiner can normally be reached on 8:00am-4: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703 308 5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DD

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SUPERVISORY PATENT EXAMINER
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